IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1922 OF 2002

IN

FIRST APPEAL (ST) NO. 5344 OF 2000

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

Miss.Pimple, h/f.R.S. Datar
for the appellants.
P.M. Shah, for respondent nos.2 & 4.

CORAM: S.B. DESHMUKH, J.

DATE : AUGUST 19, 2006.

P.C. :

1. Heard learned counsel holding on behalf of Mr. Datar for the appellants. None appears for the respondents despite service.

2. The applicants, were the petitioners in Motor Accident Claim Petition No. 572 of 1992, filed in the court of Learned Member of the

Motor Accident Claims Tribunal, Nashik. The Motor Accident claims Tribunal allowed the application in part by the judgment and award passed on 12.7.1999 in M.A.C.P.No. 572 of 1999. The applicants could get the certified copy of the judgment and award. However they were not in a position to file this appeal in this court. The applicants have pleaded in paragraph-3 that the respondents, have deposited the amount of compensation awarded somewhere on 5th or 6th of January, 2000. After receipt of the cheque from the Learned Tribunal, about 20 days time was required for clearance of that cheque. Thereafter only the applicant could file his First Appeal in this court. The explanation tendered is the financial difficulty of the applicants. It is not the case that the applicants were either

negligent or some inaction is on the part of the applicants. There is no affidavit-in-reply filed on behalf of the respondents, alleging the malafides against the applicants. In this view of the matter, case for condonation of 114 days delay caused in filing First Appeal is established. Hence, delay condoned.

4. In the result, Civil application is accordingly allowed and disposed off.

sd/-

(JUDGE)